

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85125792
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION (no change)	
ARGUMENT(S)	
<p style="text-align: center;"><u>REQUEST FOR RECONSIDERATION</u></p> <p>Applicant responds to the Final Office Action dated April 07, 2011, as follows:</p> <p style="text-align: center;"><u>REMARKS</u></p> <p>I. <u>Introduction</u></p> <p>The Examining Attorney has refused to register Applicant's mark STOP BUGGING ME!, Serial No. 85/125,792, for "insecticides; pesticides; pesticides for exterminating, namely, bed bugs and dust mites," in Class 5 (the "Applicant's Mark") under the Trademark Act § 2(d), on the grounds that the Applicant's Mark is likely to be confused with the mark QUIT BUGGING ME, U.S. Reg. No. 3,243,838, registered in connection with "insect repellents," in Class 5 (the "Cited Mark").</p> <p>The Examining Attorney asserts that there is a likelihood of confusion between the Cited Mark and the Applicant's Mark because of the similarity of the marks, of the goods, and of the trade channels of the goods. However, Applicant respectfully disagrees with the Examining Attorney's assertions. The goods at issue are different and are used for different purposes – the goods of the Cited Mark registration are used and applied directly onto human skin and/or in the air around humans to repel and keep insects away, whereas the goods identified in the application for Applicant's Mark are insecticides and pesticides. Insecticides and pesticides are not applied to human skin but are instead used on or with on plants, flowers, or objects to kill pests. Accordingly, for the reasons set forth below, Applicant respectfully requests reconsideration of the Examiner's refusal to register.</p>	

II. Applicant's Mark is not likely to be confused with the Cited Mark because the sight, sound, meaning and overall commercial impressions of the marks are different.

Applicant's Mark is not likely to be confused with the Cited Mark because the sight, sound, meaning and overall commercial impressions of the marks are different. When the differences in the appearances, sound, and meaning are taken together, the overall commercial impression of the Applicant's STOP BUGGING ME! mark is distinguishable from the mark QUIT BUGGING ME.

In assessing likelihood of confusion, marks should be considered in their entirety as to appearance, sound and meaning. Professional Art Distribution, Inc. v. Internationaler Zeichenverband Fur Kunstdruckpapier, E.V., 11 U.S.P.Q. 2d 1735 (Fed. Cir. 1989). A mark should not be dissected and considered piecemeal; rather, it must be considered as a whole. See Franklin Mint Corporation v. Master Manufacturing Company, 667 F.2d 1005, 1007 (CCPA 1981). Considered in its entirety, the appearance, sound and meaning of Applicant's Mark, STOP BUGGING ME!, is different from the appearance, sound and meaning of the Cited Mark, QUIT BUGGING ME.

The fact that the marks share the terms "BUGGING" and "ME" is not dispositive, as similarity is based on the total effect of the marks, rather than a comparison of any individual features. See Astra Pharm. Prods. Inc. v. Beckman Instru. Inc., 220 U.S.P.Q. 609, 611 (D. Mass. 1983) *aff'd* 718 F.2d 1201 (1st Cir. 1983); see also In re Sweet Victory Inc., 228 U.S.P.Q. 959, 961 (TTAB 1986) (finding marks GLACE CONTINENTAL and GLACE LITE were not likely to be confused even though both marks were used in connection with sherbet, because "the overall differences in the marks are sufficient so that while source confusion may be possible, it is not likely"). The effect of the entire mark must be considered, including terms other than the terms that are similar to the Cited Mark. See New England Fish Co. v. The Hervin Co., 179 U.S.P.Q. 743 (TTAB 1973) (stating that "each case requires consideration of the effect of the entire mark including any term in addition to that which closely resembles the opposing mark," and finding no likelihood of confusion between BLUE MOUNTAIN KITTY O'S mark and KITTY mark).

Similar to the "GLACE" marks in In re Sweet Victory, and the "KITTY" marks in New England Fish Co., although Applicant's Mark and the Cited Mark share the terms "BUGGING" and "ME," the two marks are, overall, phonetically dissimilar and visually distinct. Applicant's mark uses the term STOP rather than QUIT so that the two marks begin with different terms. Applicant's Mark also includes punctuation (i.e., an exclamation point) while the Cited Mark does not. Applicant's Mark and the Cited Mark also do not sound the same when spoken or read (e.g., Applicant's Mark is spoken or read in a significantly different exclamatory tone as emphasized by the addition of an exclamation point making it sound distinct from the Cited Mark).

Because the appearance, sound and meaning of Applicant's Mark are distinguishable from the Cited Mark, the overall commercial impression of Applicant's Mark is not confusingly similar to

that of the Cited Mark.

III. Applicant's Mark is not likely to be confused with the Cited Mark because the marks are used in connection with different goods.

No likelihood of confusion exists between Applicant's Mark and the Cited Mark because the marks are used with different goods that are not closely related. The goods with which Applicant's Mark is used include "insecticides; pesticides; pesticides for exterminating, namely, bed bugs and dust mites." The goods with which the Cited Mark is used, as indicated in that mark's registration (see Exhibit A attached hereto), are insect repellents. In an office action dated May 24, 2006, the examining attorney assigned to examine the application filed for the Cited Mark stated that the term "repellents" refers to a substance used to repel insects. The term "repel" means "to drive or force back" or "to keep off of or out." See referenced office action attached hereto as Exhibit B (note: some attachments to the office action omitted to reduce file size); see also the definitions from www.dictionary.com for the terms "repellent" and "insect repellent," attached hereto as Exhibits C and D, respectively.

Insect repellent is applied to human skin to prevent insects, including biting insects, from landing or remaining on the skin where they may bite or otherwise irritate individuals. For example, one might wear insect repellent if he or she is at a backyard barbeque, camping in the woods, or partaking in another outdoor activity. Insects that come into contact with repellent products do not land on or near the individual wearing the repellent; instead, they avoid and stay away from the individual but are not killed by the repellent. Insect repellents, like almost all substances approved for topical use on human skin, are typically mild substances that are not harmful to the skin or dangerous to be used on or around humans.

In stark contrast, the goods covered by Applicant's Mark are insecticides and pesticides, which are, as the examining attorney discusses in the above-referenced office action attached hereto as Exhibit B, chemicals used to kill pests, including insects. Likewise, numerous common dictionary definitions for the two terms also define insecticides and pesticides as products used to kill insects and other pests. See the definitions from www.dictionary.com for the terms "insecticide" and "pesticide," attached hereto as Exhibits E and F, respectively. Unlike the Applicant's repellent product, pesticides normally are applied to plants (e.g., crops, flowers, ornamentals, grass, or trees grown for timber) or other objects, namely mattresses, in order to kill existing insects, e.g., bed bugs and dust mites.

Additionally, the term "pesticide" also refers to substances that kill pests other than insects. For example, a pesticide may be a chemical substance or biological agent (such as a virus or bacteria) used against pests including insects, plant pathogens, weeds, mollusks, birds, mammals, fish, nematodes (roundworms) and microbes that compete with humans for food, destroy property,

spread disease or are a nuisance. Many insecticides and pesticides, mainly chemical pesticides, are poisonous to humans. In contrast to the goods with which Applicant's Mark is used, the insect repellents sold under the Cited Mark are used solely to deter insects to discourage them from landing on or otherwise coming in contact with human skin; the insect repellent goods of the Cited Mark are not used to kill insects, plant pathogens, weeds, mollusks, birds, mammals, fish, roundworms, or microbes.

Moreover, unlike insect repellents, insecticides and pesticides are typically applied to plants, crops, or surfaces in homes to kill pests – due to their toxicity, they are not applied to human skin and often are not even used near humans. See article from Wikipedia attached hereto as Exhibit G. While it is entirely common for humans to “shower” themselves in a spray of insect repellent, humans do not apply, but rather seek to avoid contact with, insecticides and pesticides to their skin. The owner of the Cited Mark has even admitted and agreed that insecticides and pesticides are different from and not closely related to insect repellents. See section B of the response to the office action dated May 24, 2006, filed by the owner of the Cited Mark during the prosecution of its own application, attached hereto as Exhibit H.

In short, the insecticides and pesticides covered by Applicant's Mark are dangerous chemicals that are applied to plants, crops or other surfaces to kill insects and other pest infestations. These dangerous chemicals are not applied to human skin and would not be used to prevent mosquito bites or other insect bites on humans. By contrast, the Cited Mark's insect repellents are mild substances used on human skin to prevent skin irritations from insects – they are not used on plants or crops to kill insects, microbes, weeds, roundworm, or other pests. Consequently, consumers would never be confused as to the source of these very different goods.

The sole fact that the goods covered by Applicant's Mark and the Cited Mark relate to insects is insufficient for a finding of likelihood of confusion. For example, in the area of foods, related products have been found not likely to be confused with each other - a mark for butter and margarine was found not likely to be confused with a very similar mark for shortening although they are both food products used in cooking, and dessert powders have been found distinguishable from sugar although they are both used to make desserts. See Standard Brands Inc. v. Peters, 191 U.S.P.Q. 168, 172 (TTAB 1975) (addition of the word “corn” is sufficient to render the mark “CORN-ROYAL” as a whole distinguishable from and registrable over “ROYAL” for butter and margarine products, which are specifically different from shortening for volume deep fat frying); see also Imperial Sugar Company v. Imperial Products, 139 U.S.P.Q. 344, 345 (TTAB 1963) (IMPERIAL mark used for both dessert powders and sugar; no likelihood of confusion because dessert powders and sugar are “such different food products”); Electronic Design & Sales v. Electronic Systems, 954 F.2d 713 (Fed. Cir. 1992). (EDS mark used for computer programming services and battery chargers and power supplies; no likelihood of confusion even though goods and services under both marks were

sold to some of the same companies).

Although these cases involve goods that travel in channels of trade that are different from the Applicant's goods, the "food" cases and the Electronic Design & Sales case cited above are instructive because they involve identical or nearly identical marks that cover arguably related goods. As in the "food" cases, Applicant's goods are not sufficiently related to the goods covered by the Cited Mark for confusion to be likely. Furthermore, the goods in the "food" cases are far more closely related than the goods and services in the present case. Because the products at issue here are different, Applicant's insecticides and pesticides are not likely to be confused with the insect repellent covered by the Cited Mark.

IV. Conclusion.

The marks at issue cover different types of specialized goods which themselves are not substitutes for, and which do not compete with, one another. Further, Applicant's Mark is distinguishable in appearance, sound and meaning from the Cited Mark. Accordingly, there is no likelihood of confusion here, and Applicant respectfully requests that the Examining Attorney reconsider the refusal to register Applicant's Mark and allow the mark to proceed to registration.

EVIDENCE SECTION

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	a copy of the Cited Mark's registration certificate (Exhibit

DESCRIPTION OF EVIDENCE FILE	A); an office action dated May 24, 2006, issued by the examining attorney assigned to examine the application filed for the Cited Mark (Exhibit B); definitions from www.dictionary.com for the term "repellent" (Exhibit C); definitions from www.dictionary.com for the term "insect repellent" (Exhibit D); definitions from www.dictionary.com for the term "insecticide" (Exhibit E); definitions from www.dictionary.com for the term "pesticide" (Exhibit F); Wikipedia article regarding pesticides (Exhibit G); and owner of the Cited Mark's response to the office action dated May 24, 2006 filed in connection with that application (Exhibit H)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/James David Johnson/
SIGNATORY'S NAME	James David Johnson
SIGNATORY'S POSITION	Attorney of record, Florida Bar member
DATE SIGNED	10/06/2011
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Oct 06 21:13:03 EDT 2011
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PTO Form (Rev 4/2000)

OMB No. 0651-..... (Exp. 08/31/2004)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **85125792** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

REQUEST FOR RECONSIDERATION

Applicant responds to the Final Office Action dated April 07, 2011, as follows:

REMARKS

I. Introduction

The Examining Attorney has refused to register Applicant's mark STOP BUGGING ME!, Serial No. 85/125,792, for "insecticides; pesticides; pesticides for exterminating, namely, bed bugs and dust mites," in Class 5 (the "Applicant's Mark") under the Trademark Act § 2(d), on the grounds that the Applicant's Mark is likely to be confused with the mark QUIT BUGGING ME, U.S. Reg. No. 3,243,838, registered in connection with "insect repellents," in Class 5 (the "Cited Mark").

The Examining Attorney asserts that there is a likelihood of confusion between the Cited Mark and the Applicant's Mark because of the similarity of the marks, of the goods, and of the trade channels of the goods. However, Applicant respectfully disagrees with the Examining Attorney's assertions. The goods at issue are different and are used for different purposes – the goods of the Cited Mark registration are used and applied directly onto human skin and/or in the air around humans to repel and keep insects away, whereas the goods identified in the application for Applicant's Mark are insecticides and pesticides. Insecticides and pesticides are not applied to human skin but are instead used on or with on plants, flowers, or objects to kill pests. Accordingly, for the reasons set forth below, Applicant respectfully requests reconsideration of the Examiner's refusal to register.

II. Applicant's Mark is not likely to be confused with the Cited Mark because the sight, sound, meaning and overall commercial impressions of the marks are different.

Applicant's Mark is not likely to be confused with the Cited Mark because the sight, sound, meaning and overall commercial impressions of the marks are different. When the differences in the appearances, sound, and meaning are taken together, the overall commercial impression of the Applicant's STOP BUGGING ME! mark is distinguishable from the mark QUIT BUGGING ME.

In assessing likelihood of confusion, marks should be considered in their entirety as to appearance, sound and meaning. Professional Art Distribution, Inc. v. Internationaler Zeichenverband Fur Kunstdruckpapier, E.V., 11 U.S.P.Q. 2d 1735 (Fed. Cir. 1989). A mark should not be dissected and considered piecemeal; rather, it must be considered as a whole. See Franklin Mint Corporation v. Master Manufacturing Company, 667 F.2d 1005, 1007 (CCPA 1981). Considered in its entirety, the appearance, sound and meaning of Applicant's Mark, STOP BUGGING ME!, is different from the appearance, sound and meaning of the Cited Mark, QUIT BUGGING ME.

The fact that the marks share the terms "BUGGING" and "ME" is not dispositive, as similarity

is based on the total effect of the marks, rather than a comparison of any individual features. See Astra Pharm. Prods. Inc. v. Beckman Instru. Inc., 220 U.S.P.Q. 609, 611 (D. Mass. 1983) *aff'd* 718 F.2d 1201 (1st Cir. 1983); see also In re Sweet Victory Inc., 228 U.S.P.Q. 959, 961 (TTAB 1986) (finding marks GLACE CONTINENTAL and GLACE LITE were not likely to be confused even though both marks were used in connection with sherbet, because "the overall differences in the marks are sufficient so that while source confusion may be possible, it is not likely"). The effect of the entire mark must be considered, including terms other than the terms that are similar to the Cited Mark. See New England Fish Co. v. The Hervin Co., 179 U.S.P.Q. 743 (TTAB 1973) (stating that "each case requires consideration of the effect of the entire mark including any term in addition to that which closely resembles the opposing mark," and finding no likelihood of confusion between BLUE MOUNTAIN KITTY O'S mark and KITTY mark).

Similar to the "GLACE" marks in In re Sweet Victory, and the "KITTY" marks in New England Fish Co., although Applicant's Mark and the Cited Mark share the terms "BUGGING" and "ME," the two marks are, overall, phonetically dissimilar and visually distinct. Applicant's mark uses the term STOP rather than QUIT so that the two marks begin with different terms. Applicant's Mark also includes punctuation (i.e., an exclamation point) while the Cited Mark does not. Applicant's Mark and the Cited Mark also do not sound the same when spoken or read (e.g., Applicant's Mark is spoken or read in a significantly different exclamatory tone as emphasized by the addition of an exclamation point making it sound distinct from the Cited Mark).

Because the appearance, sound and meaning of Applicant's Mark are distinguishable from the Cited Mark, the overall commercial impression of Applicant's Mark is not confusingly similar to that of the Cited Mark.

III. Applicant's Mark is not likely to be confused with the Cited Mark because the marks are used in connection with different goods.

No likelihood of confusion exists between Applicant's Mark and the Cited Mark because the marks are used with different goods that are not closely related. The goods with which Applicant's Mark is used include "insecticides; pesticides; pesticides for exterminating, namely, bed bugs and dust mites." The goods with which the Cited Mark is used, as indicated in that mark's registration (see Exhibit A attached hereto), are insect repellents. In an office action dated May 24, 2006, the examining attorney assigned to examine the application filed for the Cited Mark stated that the term "repellents" refers to a substance used to repel insects. The term "repel" means "to drive or force back" or "to keep off of or out." See referenced office action attached hereto as Exhibit B (note: some attachments to the office action omitted to reduce file size); see also the definitions from www.dictionary.com for the terms "repellent" and "insect repellent," attached hereto as Exhibits C and D, respectively.

Insect repellent is applied to human skin to prevent insects, including biting insects, from

landing or remaining on the skin where they may bite or otherwise irritate individuals. For example, one might wear insect repellent if he or she is at a backyard barbeque, camping in the woods, or partaking in another outdoor activity. Insects that come into contact with repellent products do not land on or near the individual wearing the repellent; instead, they avoid and stay away from the individual but are not killed by the repellent. Insect repellents, like almost all substances approved for topical use on human skin, are typically mild substances that are not harmful to the skin or dangerous to be used on or around humans.

In stark contrast, the goods covered by Applicant's Mark are insecticides and pesticides, which are, as the examining attorney discusses in the above-referenced office action attached hereto as Exhibit B, chemicals used to kill pests, including insects. Likewise, numerous common dictionary definitions for the two terms also define insecticides and pesticides as products used to kill insects and other pests. See the definitions from www.dictionary.com for the terms "insecticide" and "pesticide," attached hereto as Exhibits E and F, respectively. Unlike the Applicant's repellent product, pesticides normally are applied to plants (e.g., crops, flowers, ornamentals, grass, or trees grown for timber) or other objects, namely mattresses, in order to kill existing insects, e.g., bed bugs and dust mites.

Additionally, the term "pesticide" also refers to substances that kill pests other than insects. For example, a pesticide may be a chemical substance or biological agent (such as a virus or bacteria) used against pests including insects, plant pathogens, weeds, mollusks, birds, mammals, fish, nematodes (roundworms) and microbes that compete with humans for food, destroy property, spread disease or are a nuisance. Many insecticides and pesticides, mainly chemical pesticides, are poisonous to humans. In contrast to the goods with which Applicant's Mark is used, the insect repellents sold under the Cited Mark are used solely to deter insects to discourage them from landing on or otherwise coming in contact with human skin; the insect repellent goods of the Cited Mark are not used to kill insects, plant pathogens, weeds, mollusks, birds, mammals, fish, roundworms, or microbes.

Moreover, unlike insect repellents, insecticides and pesticides are typically applied to plants, crops, or surfaces in homes to kill pests – due to their toxicity, they are not applied to human skin and often are not even used near humans. See article from Wikipedia attached hereto as Exhibit G. While it is entirely common for humans to "shower" themselves in a spray of insect repellent, humans do not apply, but rather seek to avoid contact with, insecticides and pesticides to their skin. The owner of the Cited Mark has even admitted and agreed that insecticides and pesticides are different from and not closely related to insect repellents. See section B of the response to the office action dated May 24, 2006, filed by the owner of the Cited Mark during the prosecution of its own application, attached hereto as Exhibit H.

In short, the insecticides and pesticides covered by Applicant's Mark are dangerous chemicals that are applied to plants, crops or other surfaces to kill insects and other pest infestations. These dangerous chemicals are not applied to human skin and would not be used to prevent mosquito bites or other insect bites on humans. By contrast, the Cited Mark's insect repellents are mild substances used

on human skin to prevent skin irritations from insects – they are not used on plants or crops to kill insects, microbes, weeds, roundworm, or other pests. Consequently, consumers would never be confused as to the source of these very different goods.

The sole fact that the goods covered by Applicant's Mark and the Cited Mark relate to insects is insufficient for a finding of likelihood of confusion. For example, in the area of foods, related products have been found not likely to be confused with each other - a mark for butter and margarine was found not likely to be confused with a very similar mark for shortening although they are both food products used in cooking, and dessert powders have been found distinguishable from sugar although they are both used to make desserts. See Standard Brands Inc. v. Peters, 191 U.S.P.Q. 168, 172 (TTAB 1975) (addition of the word "corn" is sufficient to render the mark "CORN-ROYAL" as a whole distinguishable from and registrable over "ROYAL" for butter and margarine products, which are specifically different from shortening for volume deep fat frying); see also Imperial Sugar Company v. Imperial Products, 139 U.S.P.Q. 344, 345 (TTAB 1963) (IMPERIAL mark used for both dessert powders and sugar; no likelihood of confusion because dessert powders and sugar are "such different food products"); Electronic Design & Sales v. Electronic Systems, 954 F.2d 713 (Fed. Cir. 1992). (EDS mark used for computer programming services and battery chargers and power supplies; no likelihood of confusion even though goods and services under both marks were sold to some of the same companies).

Although these cases involve goods that travel in channels of trade that are different from the Applicant's goods, the "food" cases and the Electronic Design & Sales case cited above are instructive because they involve identical or nearly identical marks that cover arguably related goods. As in the "food" cases, Applicant's goods are not sufficiently related to the goods covered by the Cited Mark for confusion to be likely. Furthermore, the goods in the "food" cases are far more closely related than the goods and services in the present case. Because the products at issue here are different, Applicant's insecticides and pesticides are not likely to be confused with the insect repellent covered by the Cited Mark.

IV. Conclusion.

The marks at issue cover different types of specialized goods which themselves are not substitutes for, and which do not compete with, one another. Further, Applicant's Mark is distinguishable in appearance, sound and meaning from the Cited Mark. Accordingly, there is no likelihood of confusion here, and Applicant respectfully requests that the Examining Attorney reconsider the refusal to register Applicant's Mark and allow the mark to proceed to registration.

EVIDENCE

Evidence in the nature of a copy of the Cited Mark's registration certificate (Exhibit A); an office action dated May 24, 2006, issued by the examining attorney assigned to examine the application filed

for the Cited Mark (Exhibit B); definitions from www.dictionary.com for the term "repellent" (Exhibit C); definitions from www.dictionary.com for the term "insect repellent" (Exhibit D); definitions from www.dictionary.com for the term "insecticide" (Exhibit E); definitions from www.dictionary.com for the term "pesticide" (Exhibit F); Wikipedia article regarding pesticides (Exhibit G); and owner of the Cited Mark's response to the office action dated May 24, 2006 filed in connection with that application (Exhibit H) has been attached.

Original PDF file:

http://tgate/PDF/RFR/2011/10/06/20111006211303127365-85125792-008_001/evi_17312122254-210020859_.57997-0058_Response_to_2011-04-07_FOA_Exhibit_A.pdf

Converted PDF file(s) (1 page)

Evidence-1

Original PDF file:

http://tgate/PDF/RFR/2011/10/06/20111006211303127365-85125792-008_002/evi_17312122254-210020859_.57997-0058_Response_to_2011-04-07_FOA_Exhibit_B.pdf

Converted PDF file(s) (8 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Original PDF file:

http://tgate/PDF/RFR/2011/10/06/20111006211303127365-85125792-008_003/evi_17312122254-210020859_.57997-0058_Response_to_2011-04-07_FOA_Exhibit_C.pdf

Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

Original PDF file:

http://tgate/PDF/RFR/2011/10/06/20111006211303127365-85125792-008_004/evi_17312122254-210020859_.57997-0058_Response_to_2011-04-07_FOA_Exhibit_D.pdf

Converted PDF file(s) (2 pages)

Evidence-1

Evidence-2

Original PDF file:

http://tgate/PDF/RFR/2011/10/06/20111006211303127365-85125792-008_005/evi_17312122254-210020859_.57997-0058_Response_to_2011-04-07_FOA_Exhibit_E.pdf

Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

Original PDF file:

http://tgate/PDF/RFR/2011/10/06/20111006211303127365-85125792-008_006/evi_17312122254-210020859_.57997-0058_Response_to_2011-04-07_FOA_Exhibit_F.pdf

Converted PDF file(s) (3 pages)

Evidence-1

Evidence-2

Evidence-3

Original PDF file:

http://tgate/PDF/RFR/2011/10/06/20111006211303127365-85125792-008_007/evi_17312122254-210020859_.57997-0058_Response_to_2011-04-07_FOA_Exhibit_G.pdf

Converted PDF file(s) (13 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

Evidence-12

Evidence-13

Original PDF file:

http://tgate/PDF/RFR/2011/10/06/20111006211303127365-85125792-008_008/evi_17312122254-210020859_.57997-0058_Response_to_2011-04-07_FOA_Exhibit_H.pdf

Converted PDF file(s) (15 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

Evidence-12

Evidence-13

Evidence-14

Evidence-15

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /James David Johnson/ Date: 10/06/2011

Signatory's Name: James David Johnson

Signatory's Position: Attorney of record, Florida Bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior

representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85125792

Internet Transmission Date: Thu Oct 06 21:13:03 EDT 2011

TEAS Stamp: USPTO/RFR-173.12.122.254-201110062113031

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